

MINUTE ENTRY

9:30 a.m.

UNITED STATES OF AMERICA -v- DELFINA M. BARCINAS

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANAE SHMULL, Court Reporter
K. LYNN LEMIEUX, Courtroom Deputy
JAMIE BOWERS, Assistant U. S. Attorney
COLIN THOMPSON, Counsel for Defendant
DELFINA M. BARCINAS, Defendant

PROCEEDING: SENTENCING

Defendant was present with his court appointed counsel, Attorney Colin Thompson. Government by Jamie Bowers, AUSA. Also present was U.S. Probation Officer, Margarita Wonenberg.

No objection by the government of the presentence report. Counsel for defendant had no objections.

Court adopted the presentence investigation report and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government had no objection to the advisory guidelines that the Court intends to be guided; Defense had not objections. Court adopted the advisory guidelines.

Government recommended that this defendant receive a sentence of probation and an order of restitution. Defense recommended probation.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant DELFINA M. BARCINAS is hereby sentenced to five years probation. The term probation will commence immediately and will require that the defendant comply with the following conditions:

1. That the defendant shall not commit another federal, state or local crime;
2. That the defendant shall not unlawfully possess a controlled substance;
3. That the defendant shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release and at least two periodic drug test thereafter to determine use of a controlled substance;
4. That the defendant shall submit to the collection of a DNA sample from the defendant at the direction of the United States Probation Office;
5. That the defendant shall comply with the standard conditions of probation as set forth by the U.S. Sentencing Commission and codified under 18 U.S.C. Â§3563;
6. That the defendant is prohibited from incurring new credit charges or opening additional lines of credit without approval of the probation officer unless the defendant is in compliance with the payment schedule; and

7. That the defendant must provide the probation officer access to any requested financial information.

Pursuant to U. S. G. Â§5E1.1(a)(1) and 18 U.S.C. Â§3663, the defendant shall make restitution in the amount of \$8,081.25, less payments previously made in accordance to Superior Court of the NMI civil case 00-00065E, to the Bank of Saipan, which is due within 10 days of today. Payment shall be made to the U.S. District Court of the Northern Mariana Islands, attention: Clerk of Court, for disbursement to the victim at Bank of Saipan, P.O. Box 500690, Saipan, MP 96950.

It was further ordered that the defendant pay to the United States a special assessment fee of \$100 to be paid immediately after sentencing. All fines were waived.

No objection to the sentence by the attorneys. Defendant was advised that she had waived her right to appeal but that if she or her attorney found any reason in which to appeal she has 10 days in which to do so. Further, she was advised that if she cannot afford an attorney for the appeal the Court will appoint one for her.

Adj. 9:25 a.m.

; [KLL EOD 05/31/2005]